

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DWAYNE L. RIECO,)	
)	Civil Action No. 2: 15-cv-0543
Plaintiff,)	
)	United States Court Judge
v.)	Arthur J. Schwab
)	
CAPTAIN HARRY B. KEFFER, III,)	
)	
Defendant.)	
)	
)	

MEMORANDUM ORDER

This prisoner civil rights case was received by the Clerk of Court on April 27, 2015, and was referred to United States Magistrate Judge Cynthia Reed Eddy for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On May 26, 2015, Magistrate Judge Eddy filed a Report and Recommendation [ECF No. 8], recommending that the Complaint be dismissed *sua sponte* before service for failure to state a claim upon which relief can be granted. The Report and Recommendation was mailed to Plaintiff at his listed address of record. Plaintiff was advised that written objections to the Report and Recommendation were to be filed by June 12, 2015.

The time has now passed for filing written objections. Plaintiff has not filed any objections nor has he requested an extension of time in which to do so.

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Accordingly, after *de novo* review of the Complaint, together with the Report and Recommendation, the following order is entered:

AND NOW, this 17th day of June, 2015:

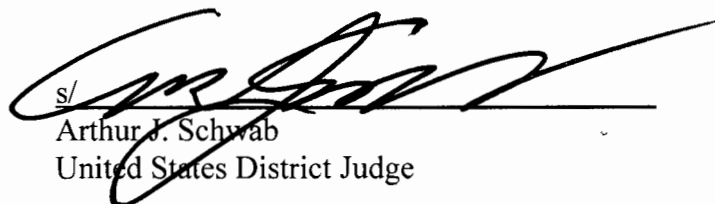
IT IS HEREBY ORDERED that the Complaint be dismissed pursuant to the screening provisions of the Prisoner Litigation Reform Act, 28 U.S.C. § 1915(e), for failure to state a claim. It is further **ORDERED** that leave to amend is denied as it would be futile for Plaintiff to amend his claims.

IT IS FURTHER ORDERED that the Report and Recommendation [ECF No. 8] is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

SO ORDERED this 17th day of June, 2015.


s/
Arthur J. Schwab
United States District Judge

cc: DWAYNE L. RIECO
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